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FEDERAL COURT COUR FÉDÉRALE	
December 12, 2024	
Charlotte Torgerson	
EDM	77

Court File No: T-1296-23

FEDERAL COURT

BETWEEN:

Francesco Gabriele Qualizza, Joel Thomas William Ellis, Patrick Mercier, Jill Lyne Duchesneau, ~~Joseph Benjamin Stewart~~, Eric David Faucher, Scott Peter Bacon, ~~Stephen Troy Chledowski~~, Amanda Leigh Benham, Joshua Martin McCulloch, Kyle Corriveau, Joseph Daniel Eric Louis Montgrain, Dustin Shane Wiebe, Stephen WJ Morris, David Garcia Vargas, Michael Joseph Lis, Natasha Katrina Lis, Solange Sine Djoueche, Peter Vlassov, Frederic Villeneuve-Normand, Estate of Jonathan Emerson Jenkinson, ~~Valentin Lavrov~~, Marie-Eve Labonte, Jesse Dale Friesen, Tania Catherine Nordli, Andrzej Skulski, Dennis John Paul Tondreau, Emmy-Lou Laurie Forget, Dallas Alexander Flamand, Chelsea Elaine Rogal, Baron Hordo, Taylor Michael Harvie, ~~Vanessa Rae Laroche~~, Jacqueline Marie France Boehme, James Paul Daniel Formosa, Kaitlyn E Campbell, ~~Lucas Timothy Vancuren~~, Jermaine Sheridan Burrell, Anthony David Hiatt, Michael St- Laurent, Armand Edward A. Garner, Amit Sodhi, Camille Felix J Turgeon, Samantha Gwendolyn Styles, Carol-Ann Mary T Ouellette, Robert James Teremchuk, Nathaniel J P Tondreau, Nikola J Guy Tondreau, Lisa Pauline Leopold, Hailey Noelle Schroder, Dominique Lauzier, Valerie Ouellet, ~~John M Gillis~~, Morgan Christopher Warren, Mark Andrew Good, Sean Michael Marcotte, Mark Andrew Lolacher, Gabriel Villeneuve, Kira Anne Yakimovich, Mathieu W Petit-Marceau, Kimberly Nedra Ettel, Christopher William Rambharose, ~~Michael Ryan Frank~~, Evan Jeffery McFtridge, Pierre-Elie Lasnier, Alessandru Ward Forster Brown, Danis Doiron, Carl Joseph D Rivest-Marier, Jaroslaw T Ciesinski, Stephen William Holt, Randolph Raymond Jenkins, Andrew John MacPhee, Valerie Palin-Robert, Roger Cory Stoesz, Shane Thomas Whitson, Christian Kurt Carter, Matthew James Rowe, Dave

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RESPONDENTS

NOTICE OF MOTION

TAKE NOTICE THAT the Applicants will make a motion to the Court in writing under Rule 51(1) of the Federal Courts Rules.

THE MOTION IS FOR The Applicants to make application for:

1. leave for the Motion to be heard with written representations under *Federal Courts Act* Section 369.2(1);
2. leave for an extension of time to apply for Appeal of a prothonotary order;
3. leave to commence an application for Appeal under *Federal Courts Act* Section 51(1);
4. Costs, including GST and other taxes applicable; and
5. such further and other relief as this Honourable Court may deem just.

THE GROUNDS OF THIS MOTION are as follows:

6. **Extension of Time to File.** The Applicants are a large group consisting of the original 330 Plaintiffs who needed additional time to receive legal advice and then provide instructions to counsel to proceed with an Appeal. By December 11, 2024, 292 of the Plaintiffs had decided to proceed with the Appeal and gave instructions to their counsel to proceed with this Motion.

GROUND FOR APPEAL

7. **Failure to Properly Apply the Legislative Scheme of the *National Defence Act* (“NDA”) (Paragraph 45).** The Federal Court erred by overlooking the legislative framework provided in section 126 of the *NDA* and instead applying Defence Administrative Orders and Directives (“DAOD”) 5019-4, a subordinate policy instrument designed to address conduct deficiencies such as alcohol misconduct, prohibited drug use, hateful conduct, and sexual misconduct. DAOD 5019-4 is issued under the authority of the Deputy Minister and the Chief of the Defence Staff and does not have the statutory force of section 126 of the *NDA*. The Court’s reliance on *Hoffman v Canada (Attorney General)*, which pertains to

sexual misconduct—a category explicitly addressed under DAOD 5019-4—was inappropriate and distinguishable from the Appellants’ case. This misapplication of law undermined the proper legal and procedural analysis required in the context of the CAF COVID-19 vaccination mandate and its enforcement mechanisms.

8. **Jurisdictional Error and Failure to Apply Relevant Precedent.** The Federal Court erred in concluding that the CAF grievance process was an adequate alternative remedy, contrary to the principles set out in *Strickland v Canada (Attorney General)* and related jurisprudence. The grievance process lacks the capacity to provide remedies for systemic constitutional violations, particularly where the issues raised extend beyond the chain of command and require judicial oversight, as seen in *Bernath v Canada*, 2007 FC 104, and affirmed by *Bernath v Canada*, 2007 FCA 400.
9. **Failure to Consider the Limits of the CAF Grievance System.** The Federal Court failed to consider the findings of the 2021 *Report of the Third Independent Review Authority to the Minister of National Defence*, prepared by the Honourable Morris J. Fish, C.C., Q.C., which highlighted systemic delays, inadequate remedial capacity (including the lack of power to grant financial relief as a remedy to a grievance or to reverse administrative release found to be unwarranted), and significant barriers to justice in the CAF grievance system. The reliance on this process ignored its inability to address constitutional claims, breaches of informed consent, and other serious issues raised by the Appellants.
10. **Failure to Consider the Breadth of Remedies Required.** The Appellants’ claims involve constitutional and systemic issues beyond the jurisdiction of the CAF grievance process. The Federal Court failed to recognize that only a judicial review process can address such issues comprehensively and hold executive decision-makers accountable.
11. **Procedural Unfairness in Ignoring Systemic Delays in Grievances.** The Court failed to adequately consider the systemic delays and lack of timely remedies in the CAF grievance process, which were highlighted in independent reviews such as those completed by the Right Honourable Antonio Lamer P.C., C.C., C.D. and the Honourable Morris J. Fish, C.C., Q.C.. These delays rendered the grievance process ineffective and unsuitable as an alternative remedy. The *Military Justice System Time Standards* sets a presumptive ceiling of 18 months for the completion of court martials; the process that would have been followed had the legislative framework provided in section 126 of the *NDA* been adhered to by Command. Twice that amount of time has already elapsed as the

Appellants navigate the CAF grievance system and attempt to seek a remedy through the Federal Court.

12. Failure to Address the Impact of Regulatory Barriers on Grievance Filing.

The Court overlooked that approximately 230 Appellants did not file grievances within the narrow three-month regulatory deadline, shortened further by the expedited release process experienced by many of the Appellants. By focusing only on the grievances submitted by a subset of Appellants, the Court failed to acknowledge the broader systemic barriers to justice faced by CAF members under the CAF COVID-19 vaccination mandate.

13. Reliance on Non-Party Grievance (Paragraph 67). The Federal Court improperly relied on a grievance decided by the Chief of the Defence Staff (“CDS”) from an individual not party to the proceedings. While the grievance concerned similar issues, it did not reflect the Appellants' experiences or their unresolved grievances. This reliance skewed the analysis and failed to account for the fact that many of the Appellants' grievances remain unresolved due to systemic barriers.

14. Failure to Engage with the Appellants' Charter Claims. The Federal Court erred in striking the Statement of Claim without substantively engaging with the Appellants' claims under sections 2(a), 2(d), 7, 8, and 15(1) of the *Canadian Charter of Rights and Freedoms*. In doing so, the Court failed to recognize the unique vulnerability experienced by CAF members due to the rigid hierarchical structure of the military. This structure places extraordinary control over members' lives that does not exist in civilian employment contexts. The imbalance of power creates systemic barriers to autonomy and justice. By failing to engage meaningfully with the Appellants' claims and prematurely striking the Statement of Claim without leave to amend, the Federal Court perpetuated these systemic vulnerabilities and undermined the Appellants' ability to access justice and to hold executive decision-makers accountable. Notably, the Federal Court did not address the findings and recommendations of the Military Grievances External Review Committee (“MGERC”), an independent administrative tribunal appointed to review military grievances and provide findings and recommendations to the CDS. The MGERC identified section 7 *Charter* breaches after reviewing the grievance files of some of the Appellants. This oversight contributed to an erroneous conclusion regarding the Appellants' claims.

15. Availability of New Evidence Undermining the Legal Basis of the Mandate.

New evidence obtained after the Federal Court dismissed the claim directly challenges the legal basis upon which the CAF justified its COVID-19 vaccination mandate, which restricted members' rights. This evidence includes statements

from the CDS and the Director Force Health Protection/Communicable Disease Control Program indicating that COVID-19 vaccination was not a *bona fide* requirement sufficient to justify a broad vaccination mandate. As this evidence was unavailable at the time of the Federal Court's decision, it warrants appellate consideration to ensure a complete and accurate evaluation of the mandate's legality and its impact on the rights of CAF members.

16. Improper Use of Rule 221 and Denial of Leave to Amend. The Court struck the Statement of Claim under Rule 221, concluding that it disclosed no reasonable cause of action, failed to plead material facts, used vexatious language throughout, and included assertions that constituted abuse of process, without granting leave to amend. The noted deficiencies were procedural and related to a breach of Rules 363 and 365, and not to a lack of evidence. The premature dismissal of the claim was contrary to established legal principles favoring access to justice and the right to amend pleadings to address any perceived deficiencies. The Appellants contend that the pleading disclosed reasonable causes of action and raised significant legal and factual issues, which merited consideration on their merits.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the Motion for Extension:

- A. Affidavit of Catherine M. Christensen, sworn December 12, 2024; and
- B. Decision of Madam Associate Judge Catherine A. Coughlan of the Federal Court dated November 13, 2024.

December 12, 2024



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Christopher Robert Knorr, ~~Evan Victor Koziel~~, Martin Philippe Labrosse, Gerald JN- Fritz Lafortune, Andre Lahaye, Kelly-Lee Marie Lake, Nicholas Edward Lange, Sarah-Emilie Lasnier, Dominic Joseph M. Lavoie, Tara Lavoie, Drake Michael Le Couteur, Marc LeClair, Pierre Lemay, Jonathan Joseph A. Lemire, Daniel Paul Loader, Garrett Curtis Logan, Jordan Terrence Logan, Alexandre Guy Richard Loisselle, Adam Fernand C. Lupien, Walter George Lyon, Joseph Brefni W. MacDonald, Christien Tavis Roger MacDonnell, Jean Joseph Madore, Charles Joseph J. Magnan, ~~Andrew Robert Paul Mallory~~, Marylene Ginette S. Martin, Marco Mastantuono, ~~Jamie Richard McEwen~~, Johannes Wouter Mulder, Tyler Edwin Neufeld, Laura Lee Nicholson, Keri Merriam Nixon, Jonathan Noel, Joshua Bruce Olson, Caroline Mary Audrey Ouellet, Joseph Anthony Papalia, Melanie Marie I. Pare, Alexandru Patularu, Joshua Alexander Pickford, Agnes Pinter-Kadlecsik, ~~Jean-Simon Plamondon~~, Krister Alexander Pohjolainen, Aura A. Pon, Brody Allen Poznikoff, Stefan Prisacari, Monika Anna Quillan, Romain Racine, Dominic Laurens William Ragetli, Stephane Ratte, Bryan Thomas Richter, William Rios, Jenna Leigh Roberts, ~~Joshua Calvin Roberts~~, Laurie Rose, Rory Alexander David Rosen, Sebastien Salvas, Cameron Ray S. Sanders, Carl Jean G. Savard, Torsten Schulz, ~~Paul Russell Shapka~~, Blake Alexander Sheedy, Quinton James Stender, Caleb Ethan M. Stener, ~~Gabriel Alexandre St-Gelais~~, Nicolas Joseph St-Germain, Robert Christopher Stull, ~~James Roark Suter~~, Dalen Drew Tanner, Justin Myles Tenhage, Jacob Cyril Theriault, ~~Simon Bobby H Tilly~~, Jean-Philippe Trudel, Albert Jason Tschetter, ~~Shelley Diane Tully~~, Magali Turpin, Julian Philip Tutino, Gregory Vincent-Walker, Cade Austin Walker, ~~Ashley Lynn Watson~~, Brennen Bo Anthony Watson, Benjamin Kyle Weston, Matthew Max Whicher, Joshua James White, Andrew Ernest Wilkowski, Donald James Williams, Curtis Malcom Wilson, Wade George Wilson, Andrew Dean Wychnenka, Marc Zorayan, ~~Brandon Tyler Peter Zwicker~~, William H L Levi Wall, Karen Paige Nightingale, ~~Marc-Antoine Poulin~~, Keegan Marsh, Ryan Michael, Thomas Patrick Hayes, James Mark Charlebois, Halston Randal Nicholson, Melissa-Jane Sarah Krieger, Gianluca Luchetta, Benjamin James Wilcox, Mark Ronkin, Serge Joseph Leo Faucher,

~~Jacob Thomas Fidor~~, ~~Lucas Gerard Ziegelbauer~~, Spencer Daniel Lord, Ian Ocegüera, John Nesrallah, Daniel Ninian Rodrigues, Cory Jason Kruger, Stephen Young Smith, Fourat Yacoub Yousif Jajou, Anthony Bilodeau, ~~Jonathan Michael Recoskie~~, Thomas L. Edwards, Lindsay Anne Mackenzie, Sarah Evelyn Laprade, Dany Pilon, James Andrew Cook, Derek John Gauthier, David Adam Dobbie, Gabrielle Charpentier, Daniel Johannes Reckman, Zachary Cleeland, ~~Mateusz Cameron Kowalski~~, Tara J. MacDonald, Paul David Wilson, Brendan V. T. Lebert, Jocelyn Lamotte, Anthony J. Duke, Riley Malcolm MacPherson, Kim Noel Lauzon, Kurtis Rockefeller Rutherford, ~~Sergiu George Candea~~, Jesse Henry Field, William Edward Brendon, ~~Cameron Samuel Nobert~~, David Houde, Alyssa Joy Blatkewicz, ~~Colin Perry Kaiser~~, Fabrice Dourlent, Cory Lance Gargin, Anita Grace Hessling, Jennifer Bethany Frizzley, David Andrew Benson, Brandon John Armstrong, Rejean Berube, Jean-Philippe Joseph Bouchard, Dhillon David Cole, Pierre- Olivier Cote-Guay, Ian M Menzies, Eric Monnin, Elliot Gamache, Nicholas Neil Lloyd Crocker, Robert Allan Henderson, Gabriel Gilles RJ Ramsay, Devin James McKenna

APPLICANTS

-and-

His Majesty the King in Right of Canada, Chief of the Defence Staff General Wayne Eyre, Vice Chief of Defence Staff Lieutenant-General Frances J Allen, Lieutenant General Jocelyn J M J Paul, Vice Admiral Angus I Topshee, and Lieutenant General Eric J Kenny, Minister of National Defence, The Honourable Anita Anand, Former Deputy Minister of National Defence Jody Thomas, Surgeon General Major-General JGM Bilodeau, Chaplain General Brigadier-General JLG Belisle, Judge Advocate General Rear-Admiral Genevieve Bernatchez, and Brigadier General Liam Wade Rutland

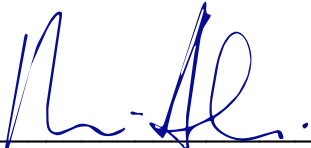
RESPONDENTS

AFFIDAVIT OF CATHERINE M. CHRISTENSEN

I, Catherine M. Christensen, of the City of St Albert, in the Province of Alberta,
SWEAR THAT:

1. I have knowledge of the following information, except where I state that it is based on information from another person, in which case, I believe that information to be true and correct.
2. On November 13, 2024, I received the decision of the Court in this matter on the Motion to Dismiss (**Exhibit A** Email confirming receipt).
3. On November 16, 2024, I informed the Applicants of the decision along with initial legal advice via email. The delay was to allow for me to read the decision and prepare my analysis for my clients.
4. On November 19, 2024, I met with some of the Plaintiffs via an online chat portal (Zoom) to provide further legal advice. The meeting was recorded, and the recording was emailed to all the Plaintiffs on the same day.
5. Subsequently, I then met with the Plaintiffs individually by various means of communication to provide legal advice. Given there were 330 Plaintiffs, living across the country and some deployed outside Canada, this took time to complete so that each Plaintiff could then decide if they wished to Appeal the decision.
6. By December 11, 2024, 292 Plaintiffs had instructed me to Appeal, and 38 Plaintiffs chose to discontinue their claims.
7. I then prepared this Motion Record for an extension of time to file materials to bring the Appeal forward.

Sworn before me at the City of St. Albert in the Province of Alberta on December 12, 2024.



Commissioner for Taking Affidavits

Naomi Auber

Commissioner for Oaths
in and for Alberta

Expires: 20 May 2025



Catherine M. Christensen

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A

Exhibit A to the Affidavit of

CATHERINE M. CHRISTENSEN

Sworn before me on:

DECEMBER 12, 2024



Naomi Auber

Commissioner for Oaths
in and for Alberta

Expires: 20 May 2025

Catherine Christensen

From: Catherine Christensen
Sent: November 13, 2024 2:04 PM
To: EDM-CORRESPOND; Benkendorf, Barry
Subject: RE: ***Please confirm receipt*** T-1296-23 - FRANCESCO GABRIELE QUALIZZA et Al. v. HIS MAJESTY THE KING IN THE RIGHT OF CANADA - Judgment

Good Afternoon

Receipt is acknowledged.

Catherine

Catherine M. Christensen
Barrister & Solicitor
Valour Law/Valour Legal Action Centre
412, 12 Vandelor Road
St Albert, AB T8N 7Y2
780-544-2200/780-544-1813

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This email address is not a valid address for service pursuant to Rule 11.21 of the Alberta Rules of Court.

From: EDM-CORRESPOND <EDM-CORRESPOND@cas-satj.gc.ca>
Sent: November 13, 2024 12:57 PM
To: Catherine Christensen <cchristensen@valourlaw.com>; Benkendorf, Barry <Barry.Benkendorf@JUSTICE.GC.CA>
Subject: ***Please confirm receipt*** T-1296-23 - FRANCESCO GABRIELE QUALIZZA et Al. v. HIS MAJESTY THE KING IN THE RIGHT OF CANADA - Judgment



Federal Court

Dear Counsel:

Please find attached a true copy of Judgment and Reasons, rendered by the Court (Associate Judge Coughlan)

Dated: November 13, 2024

If you require a certified copy of the above-noted decision, please advise and one will be forwarded to you by regular mail.

PLEASE CONFIRM RECEIPT OF THIS E-MAIL AND ATTACHED DOCUMENT(S), BY REPLY E-MAIL, WITHIN TWO (2) DAYS.

Thank you,

Charlotte Torgerson

Registry Officer – Case Management
Courts Administration Service
Edmonton Local Office

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Courts Administration
Service

Service administratif des
tribunaux judiciaires

FEDERAL COURT

BETWEEN:

Francesco Gabriele Qualizza, Joel Thomas William Ellis, Patrick Mercier, Jill Lyne Duchesneau, ~~Joseph Benjamin Stewart~~, Eric David Faucher, Scott Peter Bacon, ~~Stephen Troy Chledowski~~, Amanda Leigh Benham, Joshua Martin McCulloch, Kyle Corriveau, Joseph Daniel Eric Louis Montgrain, Dustin Shane Wiebe, Stephen WJ Morris, David Garcia Vargas, Michael Joseph Lis, Natasha Katrina Lis, Solange Sine Djoueche, Peter Vlassov, Frederic Villeneuve-Normand, Estate of Jonathan Emmerson Jenkinson, ~~Valentin Lavrov~~, Marie-Eve Labonte, Jesse Dale Friesen, Tania Catherine Nordli, Andrzej Skulski, Dennis John Paul Tondreau, Emmy-Lou Laurie Forget, Dallas Alexander Flamand, Chelsea Elaine Rogal, Baron Hordo, Taylor Michael Harvie, ~~Vanessa Rae Laroche~~, Jacqueline Marie France Boehme, James Paul Daniel Formosa, Kaitlyn E Campbell, ~~Lucas Timothy Vancuren~~, Jermaine Sheridan Burrell, Anthony David Hiatt, Michael St- Laurent, Armand Edward A. Garner, Amit Sodhi, Camille Felix J Turgeon, Samantha Gwendolyn Styles, Carol-Ann Mary T Ouellette, Robert James Teremchuk, Nathaniel J P Tondreau, Nikola J Guy Tondreau, Lisa Pauline Leopold, Hailey Noelle Schroder, Dominique Lauzier, Valerie Ouellet, ~~John M Gillis~~, Morgan Christopher Warren, Mark Andrew Good, Sean Michael Marcotte, Mark Andrew Lolacher, Gabriel Villeneuve, Kira Anne Yakimovich, Mathieu W Petit-Marceau, Kimberly Nedra Ettel, Christopher William Rambharose, ~~Michael Ryan Frank~~, Evan Jeffery McFtridge, Pierre-Elie Lasnier, Alessandru Ward Forster Brown, Danis Doiron, Carl Joseph D Rivest-Marier, Jaroslaw T Ciesinski, Stephen William Holt, Randolph Raymond Jenkins, Andrew John MacPhee, Valerie Palin-Robert, Roger Cory Stoesz, Shane Thomas Whitson, Christian Kurt Carter, Matthew James Rowe, Dave

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APPLICANTS

-and-

His Majesty the King in Right of Canada, Chief of the Defence Staff General Wayne Eyre, Vice Chief of Defence Staff Lieutenant-General Frances J Allen, Lieutenant General Jocelyn J M J Paul, Vice Admiral Angus I Topshee, and Lieutenant General Eric J Kenny, Minister of National Defence, The Honourable Anita Anand, Former Deputy Minister of National Defence Jody Thomas, Surgeon General Major-General JGM Bilodeau, Chaplain General Brigadier-General JLG Belisle, Judge Advocate General Rear-Admiral Genevieve Bernatchez, and Brigadier General Liam Wade Rutland

RESPONDENTS

**WRITTEN REPRESENTATIONS
OF THE APPLICANTS**

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WRITTEN REPRESENTATIONS

1. The Applicants seek to bring an Appeal of the order of Madam Associate Judge Catherine A. Coughlan of the Federal Court dated November 13, 2024, striking the Appellants' Statement of Claim without leave to amend under Rule 221 of the Federal Courts Rules.
2. The Applicants have made best efforts to bring the application within the 10-day limitation period under Federal Court Rules s 51(1).
3. It is within the Court's discretion under the same Rule to hear an application for Appeal of a Prothonotary that is filed after 10 days or within any further time that a judge of the Federal Court may fix or allow before or after the expiration of those 10 days under Rule 8(1).
4. As per *Muckle v. Canada (Attorney General)*, "Extensions of time under subs. 8.1 are discretionary and are granted when they are in the interests of justice. Where an application for judicial review is brought by one or more individual applicants, four questions guide the Court's inquiry in the exercise of its discretion:
 - a. Did the moving party have a continuing intention to pursue the application?
 - b. Is there some potential merit to the application?
 - c. Has the respondent been prejudiced from the delay?
 - d. Does the moving party have a reasonable explanation for the delay?"¹
5. The importance of each of these four questions depends upon the circumstances of each case.² The overriding consideration is that the interests of justice be served.³

¹ *Muckle v Canada (Attorney General)*, 2020 FC 1088 (CanLII), at [para 5](#).

² *Thompson v Canada (Attorney General)*, 2018 FCA 212 (CanLII), ("*Thompson*"), at [para 5](#); *Wenham v Canada (Attorney General)*, 2018 FCA 199, at [para 42](#); *Canada (Attorney General) v Larkman*, 2012 FCA 204, ("*Larkman*"), at [para 61](#).

³ *Larkman*, at [para 63](#); *Thompson*, at [para 9](#).

6. The time to make an application begins to run when the applicant learns of the final decision that is to be challenged on judicial review.⁴ Leave to file the Notice of Application is required or the application will be time-barred.⁵
7. The Applicants submit that they have:
 - a. a sufficient reason for the delay in filing;
 - b. they intended at all material times to bring an application;
 - c. they have a reasonable chance of success; and
 - d. that the Respondents will not be prejudiced.⁶
8. On November 13, 2024, counsel received the decision of the Court in this matter on the Motion to Dismiss.
9. On November 16, 2024, counsel informed the Applicants of the decision along with initial legal advice via email.
10. On November 19, 2024, counsel met with some of the Plaintiffs via an online chat portal (Zoom) to provide further legal advice. The meeting was recorded, and the recording was emailed to all the Plaintiffs on the same day.
11. Subsequently, counsel then met with the Plaintiffs individually to provide legal advice. Given there were 330 Plaintiffs, this took time to complete so that each Plaintiff could decide if they were seeking to Appeal the decision.
12. By December 11, 2024, 292 Plaintiffs had instructed counsel to Appeal, and 38 Plaintiffs chose to discontinue their claims.
13. It is the Applicants' position that the necessary documents for the Appeal require leave for a requested extension and provide the full motion record for an Appeal by January 31, 2025.
14. The grounds for the Appeal are supported by errors in fact and law in the decision. The Applicants submit that had these errors not been made, there is a reasonable expectation that the Court would have made a different decision.

⁴ [Meeches v Assiniboine](#), 2017 FCA 123, ("**Meeches**"), at [para 40](#).

⁵ [Meeches](#), at [para 41](#).

⁶ See Affidavit of Catherine M. Christensen, sworn December 12, 2024, ("**Affidavit of C. Christensen**"), at paras 3-6, pg MR21.

15. The Applicants are gathering the necessary case law and evidence to support the Appeal. The materials will be submitted within the proposed deadlines for the matter to be heard.
16. The Respondents will not be prejudiced by the delay in submitting the request for Appeal given that the Applicants have delayed less than a month past the deadline.

Dated this December 12, 2024, in the City of St. Albert, in the Province of Alberta.



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Barrister & Solicitor

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TO: The King in Right of Canada
c/o Attorney General of Canada

LIST OF AUTHORITIES

Case Law

1. [*Canada \(Attorney General\) v Larkman*](#), 2012 FCA 204
2. [*Meeches v Assiniboine*](#), 2017 FCA 123
3. [*Thompson v Canada \(Attorney General\)*](#), 2018 FCA 212 (CanLII)
4. [*Wenham v Canada \(Attorney General\)*](#), 2018 FCA 199
5. [*Muckle v Canada \(Attorney General\)*](#), 2020 FC 1088 (CanLII)